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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,461	02/28/2000	Neta Amit	1018.075US1	8500

			EXAMINER
23460	7590	08/10/2004	STULBERGER, CAS P

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
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CHICAGO, IL 60601-6780

ART UNIT	PAPER NUMBER
2132	9

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 April 2004*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1,2,4,5,7-13,15-18 and 20* is/are rejected.

7) ☒ Claim(s) *3, 6, 14, and 19* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a) ☐ All   b) ☐ Some * c) ☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to communications: application, filed 2/28/2000; request for

reconsideration filed 04/15/2004.

2.   Claims 1-20 are pending in the case. Claims 1, 5, 8, and 17 are independent claims.

Response to Arguments

3.   Applicant's arguments, see Request for Reconsideration, filed 4/15/2004, with respect to

the rejection(s)of claim(s) 1-20 under 35 U.S.C. 103 as being unpatentable by U.S. Patent No.

5,835,726 to Shwed et al. in view of U.S. Patent No. 6,061,797 to Jade et al. have been fully

considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon

further consideration, a new ground(s) of rejection is made in view of U.S. Patent No 5,835,726

to Shwed et al.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 1-2, 4-5, 7-13, 15-18, and 20 are rejected under 35 U.S.C. 102(b) as being

anticipated by U.S. Patent No 5,835,726 to Shwed et al.

6.   In regards to claims 1-2, 5, 8, 13, and 16-18 Shwed discloses a firewall. "A user

generates a rule base which is then converted into a set of filter language" (Shwed: Abstract).

"When a packet is received it is diverted to a packet filter and compared with the security rule.

A decision is made whether or not to pass the packet based upon the requirements of the security

rule. If the packet does not match the rule, the next rule is retrieved and the packet is examined

to see if it matches this rule" (Shwed: Figure 5; column 9, lines 18-50). The first rule meets the

limitation of "filtering a request in a first phase" and the second rule meets the limitation of

"upon verification by filtering the request in the first phase, filtering the request in a second

phase." Schwed discloses and example of a security rule to disallow any Telnet services in the

system (Schwed: column 11, lines 66-67; column 12, lines 1-64). This meets the limitation of

"filtering the request is pursuant to a supported protocol." If the packet is a Telnet packet, the

Telnet request is not passed and is dropped (Schwed: column 12, lines 60-64). This meets the

limitation of "otherwise denying the request." Schwed also discloses that "each rule includes a

source, and destination and whether to accept or reject the packet" (Schwed: Abstract, Figure ¾).

7.   In regards to claims 4, 7, 15, and 20, Schwed discloses there are four elements to each

security rule. "he first element is the source of the data packet. The third element is the

destination. The second element is the type of service that is involved. The fourth element is the

type of action that should be taken"(Schwed: column 7, lines 37-41). This meets the limitation

of "wherein each second phase filtering mechanism is designed to verify the source, the

destination, and the content of the request relative to the supported protocol to which the

mechanism is particular."

8.   In regards to claim 9, Schwed discloses the filtering is performed in a firewall (Abstract).

9.   In regards to claims 10 and 11, Schwed discloses that packet filters are installed on the

host device such as the workstation or gateway at which protection is desired (Schwed: column

6, lines 25-27). This meets the limitation of "at least one second phase filtering mechanism are

implemented within another server."

10.   In regards to claim 12, Schwed discloses the invention can include network objects. The

object definitions include the address of the object and the filter language instructions (Schwed:

column 3, lines 30-35; column 7, lines 10-16). This meets the limitation of "an instance of a

protocol server object."

Allowable Subject Matter

11.   Claims 3, 6, 14, and 19 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that
> the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

13.   Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No

5,835,726 to Shwed et al as applied to claims 1, 5, 8, and 17 above, and further in view of U.S.
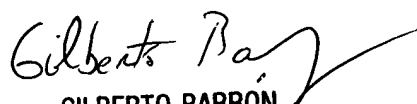
Patent No. to.

Conclusion

14.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cas Stulberger whose telephone number is (703) 305-8034. The

examiner can normally be reached on Monday - Friday, 9:00A.M. - 5:00P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CS

GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100